

VZCZCXRO5561
OO RUEHROV
DE RUEHLGB #0393/01 1161804
ZNR UUUUU ZZH
O 261804Z APR 06
FM AMEMBASSY KIGALI
TO RUEHC/SECSTATE WASHDC IMMEDIATE 2673
INFO RUEHROV/AMEMBASSY VATICAN IMMEDIATE 0001

UNCLAS SECTION 01 OF 03 KIGALI 000393

SIPDIS

DEPT FOR AF/C AND DRL
DEPT ALSO FOR EUR/WE JLARREA

SENSITIVE
SIPDIS

E.O. 12958: N/A
TAGS: [PHUM](#) [PGOV](#) [KDEM](#) [KJUS](#) [RW](#)
SUBJECT: Catholic Church of Rwanda Supports Gacaca,
Encourages Careful Monitoring

REF: A. VATICAN 0059

[1](#)B. 05 KIGALI 1006

This is sensitive but unclassified. Please protect accordingly.

[1](#)1. (SBU) Summary: During an April 11 meeting with the Papal Nuncio, Ambassador brought up a recent note verbale from the Vatican that criticized gacaca (ref A). Ambassador noted that he is aware of concerns that gacaca is not serving the purpose for which it was created and that the GOR, itself, has acknowledged its shortcomings. The Nuncio clarified that the contents of the note were not drafted by the Vatican but by a Belgian NGO and should not be seen as official Vatican views. He asserted that notwithstanding the strong critical tone of the note, the Vatican and Catholic Church of Rwanda support gacaca in concept as it provides closure on genocide cases, but urged the international donor community to demand greater respect for human/civil rights in the implementation of gacaca. In particular, he called for a presumption of innocence, clear evidence to support accusations, defense of the accused by lawyers or human rights groups, and prompt completion of dossiers on prisoners. End summary.

Critique of Gacaca from Vatican

[1](#)2. (SBU) Ambassador met with the Papal Nuncio, Monsignor Anselmo Guido Pecorari, April 11 to exchange views on gacaca. He brought up concerns over a March 28 note verbale and paper from the Vatican entitled "The Gacaca Traditional Tribunals in Rwanda" (ref A). Ambassador also mentioned a separate letter, dated March 27, from the Catholic bishops of Rwanda urging Christians to participate actively in the gacaca process. Ambassador noted to the Nuncio that the Bishops' pastoral letter, which described the gacaca process as a positive contribution to national reconstruction and reconciliation, was in stark contrast to the paper from the Vatican, which criticized gacaca as disrespectful of human rights.

[1](#)3. (U) Note: The paper from the Vatican criticizes gacaca for not serving the purposes for which it was created. Among its criticisms, it charges that innocent individuals remain in prison while many of those responsible for the genocide have been freed. It also notes that detainees can plead guilty and denounce accomplices in return for reduced or suspended sentences, and that there is a presumption of guilt which is difficult to disprove. Embassy reaction to the Vatican paper is reported septel. End note.

[1](#)4. (SBU) The Papal Nuncio agreed that the Vatican paper and

the Bishops' letter differ dramatically in tone and explained that this is because they were written for different audiences and for different purposes. The pastoral letter from the Catholic Bishops, the second such letter (the first was sent in 2002), was intended to encourage Rwandan Christians to participate in the gacaca process. Aware that many fear gacaca, the bishops drafted the letter to assuage their fears.

¶5. (SBU) The Vatican paper, on the other hand, which was delivered to the EU, American, French, Dutch, German, and Belgian governments, was intended to urge those governments that provide financial support to gacaca to demand greater respect for human and civil rights. The Nuncio acknowledged that the note was "very strong" and indicated that it was drafted by a Belgian human rights organization requesting intervention from the Vatican. He maintained that the paper reflects the position of that one group, and not the official position of the Vatican.

Gacaca Cases Involving the Catholic Church

¶6. (SBU) The Nuncio cited two specific gacaca cases involving the Catholic Church. He mentioned that the Catholic Archbishop of Kigali (formerly the Bishop of Cyangugu Diocese), Thaddee Ntihinyurwa, was falsely accused in July 2005 by a gacaca court. He confirmed Ambassador's understanding that during the genocide the Archbishop had accompanied the prefect to the church in Nyamasheke where several Tutsis were killed. He maintained, however, that the Archbishop had not participated in any meetings or served as an informant. (Note: This year's national genocide commemoration was held at the Nyamasheke church where one of the key speakers, a Catholic priest who had

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tried to prevent the massacre, suggested that Bishop Ntihinyurwa stood by passively while the massacre took place. End note.)

¶7. (SBU) As to Belgian priest Guy Theunis, who has since been transferred to Belgian authorities, the Nuncio said that he was arrested while in transit through Rwanda and, five days later, brought before a gacaca tribunal without having been given sufficient time to prepare a comprehensive defense (ref B). Ambassador pointed out that Theunis faced a preliminary information-gathering hearing of gacaca and that he did call defense witnesses. He was not found guilty, but his case was referred to a higher court.

Papal Nuncio's Concerns about Gacaca

¶8. (SBU) The Nuncio expressed concern that gacaca is not always used for reconciliation but sometimes for "political purposes." Ambassador said that he was aware of concerns that some Rwandans might try to use gacaca accusations to settle personal grudges. He observed that with more than 12,000 gacaca courts throughout the country, there inevitably would be problems in some locales. However, it is the responsibility of the panel of gacaca judges to find the truth and to ensure fairness in the process. He pointed out that those accused can call witnesses to speak in their defense and that at least 20 percent (about the same percent as in the regular court system) of those whose trials have been completed were found innocent.

¶9. (SBU) The Nuncio affirmed that the Catholic Church of Rwanda accepts and supports gacaca and has encouraged all Catholics to participate in the process. It accepts the finality of verdicts reached through the gacaca process. He noted, however, that in the interior of the country, this finality is not respected and there are problems. He pointed out four specific problems that he had earlier raised with Foreign Minister Murigande:

-- one should not be accused based on the testimony of a single person;
-- there should be a presumption of innocence, not a presumption of guilt. Presumption of guilt is contrary to the rule of law, and the accused should not have to prove their innocence;
-- the accused should be given the opportunity to defend themselves with counter testimony or to be defended by lawyers or human rights groups;
-- there should be a set deadline for completion of dossiers so that the accused will not languish in prison for an indefinite period of time.

¶10. (SBU) Ambassador commented that, given the chaos of the genocide, concrete evidence is hard to find. In many cases there is no proof because there were no witnesses or no survivors. The Nuncio in turn noted that during the genocide the Interahamwe tried to involve the entire population in the killings, and that many people knew about the killings but did not participate directly in the genocide. He said while it is easy to accuse someone of having knowledge, it is difficult to defend oneself once accused. He noted that he met many prisoners who have been in jail for years and have not yet been charged.

¶11. (SBU) Ambassador said that, for its part, the U.S. has provided assistance to train gacaca judges but that much more assistance is needed to ensure the proper functioning of the gacaca system. He asked the Nuncio what more the international community could do to improve the gacaca process and whether he thought this process would ultimately bring Rwandans together or pull them apart. The Nuncio responded that governments must not simply sign checks to financially support gacaca, but must also urge the GOR to respect basic human and civil rights in the process, such as by ensuring a presumption of innocence for the accused until they are proven guilty.

2004 List of "Genocide Ideologists"

¶12. (SBU) Ambassador agreed on the importance of a presumption of innocence. This had been a problem in the 2004 parliamentary report on genocide ideology. He criticized the manner in which the GOR had handled the report, in particular for not giving the named individuals an opportunity to defend themselves prior to the report's release.

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¶13. (SBU) When asked whether the Church has followed up on those named in the 2004 report, the Nuncio advised that the Church has kept a list of the accused priests and bishops. Among those accused was a monsignor, imprisoned for several months, who was declared innocent in the regular court system, then brought before gacaca to be tried again. The case was dismissed by the gacaca court when the Papal Nuncio advised the monsignor to show evidence that he had already been tried in the regular court system. He noted that in some seminaries where there were more Hutus than Tutsis, seminarians were summarily accused of "divisionism." He indicated that some of the individuals on the 2004 list went abroad, but most stayed and defended themselves and are actively preaching.

¶14. (SBU) The Nuncio commented that the position of President Kagame, who made the decision on Father Theunis' case, reflects the position of the Church. Individuals need to pay for their crimes, but the guilt of one individual does not reflect the guilt of the institution as a whole. Pope John Paul II iterated that the Church will not defend every ecclesiastic. The Nuncio agreed with Ambassador that the GOR appears to be determined to complete the gacaca process as quickly as possible, particularly in view of public opinion and the scrutiny of the international

community.

Comment

¶15. (SBU) The apparent contradiction in the message between the Vatican note and the pastoral letter is comprehensible in light of the Nuncio's explanation that they were intended for different audiences and different purposes and that the critical assessment in the Vatican note, drafted by a Belgian NGO, does not reflect official Vatican views. It is encouraging that, according to the Nuncio, the Catholic Church of Rwanda generally supports gacaca and respects the finality of verdicts, but urges greater attention on the process to ensure respect for the human and civil rights of the accused.

¶16. (U) The GOR readily acknowledges that gacaca is not perfect and that it is working on ways to improve the system within its constraints. It points out, however, that gacaca cannot be judged against the regular court system as the purpose for which it was created is unique. It also points out the sheer magnitude of the problem of trying tens of thousands of genocide cases given its lack of legal capacity. Rwanda has a total of only about 150 lawyers, with most based in the capital rather than in the rural areas where the majority of the population resides, and only about 250 judges in the regular court system. It is important to note that for all its shortcomings, gacaca is the only viable option thus far for handling the huge volume of genocide cases. The GOR is determined that gacaca succeed both in dispensing justice and facilitating post-genocide reconciliation and it is in the U.S. interest to support this. We will continue to watch the process closely, advise on areas for improvement, and seek ways to provide further capacity-building assistance as trials get under way this year. It will be useful to be able to coordinate these efforts with the Catholic Church, which has a strong following in Rwanda.

Arietti